

*Furstenau v. City of Naperville, et al.*

Case No.: 07-CV-6143

Our File No.: 2044

## **EXHIBIT A**

1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF DU PAGE )

4 IN THE CIRCUIT COURT OF DU PAGE COUNTY  
5 FOR THE EIGHTEENTH JUDICIAL CIRCUIT OF ILLINOIS

6 THE PEOPLE OF THE STATE )  
7 OF ILLINOIS, )

**ORIGINAL**

8 Plaintiff, )

9 vs. )

No. 06 CM 302

10 RICHARD FURSTENAU, )

11 Defendant. )

12 REPORT OF PROCEEDINGS had at the trial  
13 of the above-entitled cause, before Hon. CARY  
14 PIERCE, recorded on the DuPage County electronic  
15 recording system, transcribed by Sandra  
16 Gorajczyk, the 21st day of May, A.D. 2007.

17 PRESENT:

18 MR. JOSEPH E. BIRKETT, State's Attorney  
19 of DuPage County, by  
20 MR. ROBERT STANKER,  
21 Assistant State's Attorney,

22 appeared on behalf of The People of  
23 the State of Illinois.

24 Sandra Gorajczyk 084-000455  
DuPage County Courthouse-Room 366  
505 North County Farm Road  
Wheaton, IL 60187

1 illustrative of that, Judge.

2 I just wanted to address those two  
3 points and with that, the State rests.

4 THE COURT: Thank you. Okay.

5 Well, it's obvious that the incident  
6 occurred on or about the 1st of January of '06.

7 The complaint was signed on the 17th of  
8 January, '06, initially for battery and  
9 subsequently there's been an Information filed,  
10 Count 2.

11 Okay. I've considered the totality of  
12 the evidence, the burden of proof that's placed  
13 upon the prosecution, the State.

14 I have considered the credibility of  
15 the witness that testified through stipulation  
16 and there's some observations I'm going to make.

17 First of all, there's no wrong or  
18 inappropriate behavior shown by Officer Hall.  
19 In fact, he probably demonstrated restraint.

20 If there's any contact, it appears that  
21 it was incidental and non-provoking.

22 The officer -- any officer must have  
23 thick skin in situations dealing with the  
24 citizens of any community.

1 I think this -- what occurred was  
2 embarrassing, inappropriate.

3 There's no independent witness that  
4 testified that any physical contact took place.  
5 The yelling and loud behavior, even though it's  
6 not appropriate, there's no independent witness  
7 that testified that it was a breach of the peace.

8 Therefore, it's a not guilty  
9 Count 1 and 2. Thank you.

10 (WHICH were all of the  
11 proceedings had at the  
12 hearing of the above-  
13 entitled cause, this  
14 date.)

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